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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-21010-CR-MARTINEZ

UNITED STATES OF AMERICA,

vs.

JOEL ESQUENAZI, and
CARLOS RODRIGUEZ.

Defendants.

_____/

UNITED STATES' MOTION TO AMEND J&C FOR JOEL ESQUENAZI (D.E. 629)
AND J &C FOR CARLOS RODRIGUEZ (D.E. 628) TO REFLECT
THE ORDER OF FORFEITURE (D.E. 623)

The United States of America, (hereinafter, the "United States" or the "Government") hereby respectfully moves the Court to amend its Judgment for **JOEL ESQUENAZI** (D.E. 629) (hereinafter, the "Esquenazi J&C") and its Judgment for **CARLOS RODRIGUEZ** (D.E. 628) (hereinafter, the "Rodriguez J&C") pursuant to Rules 32.2(b)(4)(B) and 36 of the Federal Rules of Criminal Procedure, such that both reflect the forfeiture money judgment entered by the Court pursuant to the Order of Forfeiture (D.E. 623), dated October 24, 2011.

1. On October 24, 2011, the Court entered the Order of Forfeiture (D.E. 623) in which it imposed a forfeiture money judgment in the amount of \$3,093,818.50 in United States currency against the co-defendants, Joel Esquenazi and Carlos Rodriguez, jointly and severally. The Order of Forfeiture states that the forfeiture money judgment was to be announced as part of the co-defendants' respective sentence and included in the Court's Judgment in this cause.

2. On October 25, 2011, the Court imposed sentence on the co-defendants in this cause. However, neither the Esquenazi J&C (D.E. 629), nor the Rodriguez J&C (D.E. 628), reflect the forfeiture money judgment as part of the co-defendants' respective sentence, directly or by reference, as required by Rule 32.2 of the Federal Rules of Criminal Procedure.

3. The Court ensured that both co-defendants knew of the forfeiture money judgment at their respective sentencing hearing by virtue of the Order of Forfeiture, which was entered on the criminal docket on October 24, 2011. Therefore, the requirements of Rule 32.2(b)(4)(B) of the Federal Rules of Criminal Procedure have been satisfied.

4. In accordance with the requirements of S.D. Fla. L.R. 88.9, the Government has conferred with opposing counsel by telephone regarding the instant motion. Specifically, on October 31, 2011, the undersigned Assistant United States Attorney contacted Arturo V. Hernandez, attorney for Carlos Rodriguez, and Michael J. Rosen, attorney for Joel Esquenazi. Both Mr. Hernandez and Mr. Rosen stated that they continue to object to the entry of the Order of Forfeiture, but that they do not object to the instant motion, which merely seeks to have both the Esquenazi J&C and the Rodriguez J&C amended to reflect the Order of Forfeiture.

Wherefore, the United States hereby respectfully moves the Court to amend the Esquenazi J&C and the Rodriguez J&C, such that both reflect the forfeiture money judgment imposed against the co-defendants, jointly and severally, pursuant to the Order of Forfeiture.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on October 31, 2011, I electronically filed the forgoing document with the clerk of the Court using CM/ECF.

s/Daren Grove
Daren Grove
Assistant United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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ORDER

THIS CAUSE is before the Court on the United States' Motion to Amend J&C for Joel Esquenazi (D.E. 629) and the J&C for Carlos Rodriguez (D.E. 628) to Reflect the Order of Forfeiture (D.E. 623). Being fully advised, it is hereby **ORDERED, ADJUDGED** and **DECREED**:

1. The United States' Motion to Amend J&C for Joel Esquenazi (D.E. 629) and J&C for Carlos Rodriguez (D.E. 628) to Reflect the Order of Forfeiture (D.E. 623) is **GRANTED**; and
2. The Judgment for Carlos Rodriguez (D.E. 628) and the Judgment for Joel Esquenazi (629) shall both be amended to include the forfeiture money judgment imposed pursuant to the Order of Forfeiture (D.E. 623).

DONE AND ORDERED at Miami, Florida this _____ day of November, 2011.

JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE